

1 DAVID L. JAFFE
Chief, Organized Crime and Gang Section
2 United States Department of Justice
KELLY PEARSON
3 Deputy Chief, Organized Crime and Gang Section
CHAD W. MCHENRY
4 ALEXANDER GOTTFRIED
Trial Attorneys, Organized Crime and Gang Section
5 501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
6 (702) 388-6336
Kelly.Pearson@usdoj.gov
7 Chad.W.McHenry@usdoj.gov
Alexander.Gottfried@usdoj.gov

8 *Representing the United States of America*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 **United States of America,**

13 Plaintiff,

14 v.

15 **John Telusma (#16), et al.,**

16 Defendants.

Case No. 2:17-cr-306-JCM-PAL

**Stipulation for Extension of Time
to File the Government's Response
to Defendant's Motion to Suppress
(ECF No. 475)**

(First Request)

17
18 The United States of America, by and through DAVID L. JAFFE, Chief,
19 United States Department of Justice Organized Crime and Gang Section, KELLY
20 PEARSON, Deputy Chief, and ALEXANDER B. GOTTFRIED and CHAD W.
21 MCHENRY, Trial Attorneys; and the Defendant, JOHN TELUSMA, through his
22

1 counsel, CRANE POMERANTZ, ESQ., submit this stipulation in support of addi-
2 tional time within which the Government may file its response to the Defendant's
3 motion to suppress. ECF No. 475. In support of this stipulation, the parties state:

4 1. On January 30, 2018, a grand jury in the District of Nevada returned
5 the Second Superseding Indictment ("the Indictment") against the Defendant and
6 thirty-five others. ECF No. 303. The Indictment charged the Defendant with Rack-
7 eteering Conspiracy, in violation of 18 U.S.C. § 1962(d), alleging that the Defendant
8 conspired to participate in the conduct of the affairs of the Infraud Organization
9 through a pattern of racketeering activity.

10 2. On June 7, 2018, the Court designated the above-captioned case as com-
11 plex and adopted the Complex Case Schedule and Case Management Order. ECF
12 No. 405. The Court set February 1, 2019, as the deadline for filing all pretrial mo-
13 tions and notices required by Rule 12 of the Federal Rules of Criminal Procedure,
14 and March 4, 2019, as the deadline for filing responses to such motions. *Id.* at 12.

15 3. On December 11, 2018, due to delays in processing the voluminous dis-
16 covery in this case, the Court granted defense counsel's request for a thirty-day ex-
17 tension of the Pretrial Motions Deadline for all motions, other than motions chal-
18 lenging the Indictment and certain motions to suppress. For those motions, the
19 deadline remained February 1, 2019. ECF No. 448.

20 4. On February 1, 2019, defendants collectively filed five motions to dis-
21 miss the Indictment (ECF Nos. 467, 468, 471, 473, 476), along with two Motions to
22 Suppress Evidence (ECF Nos. 474, 475) and a Notice of Affirmative Defenses (ECF

No. 472). These filings raise a variety of novel and complex legal and factual issues which require considerable effort by the Government to research and respond to.

5. Three Government attorneys are assigned to the above-captioned case, each of whom has significant commitments and responsibilities apart from this case. In particular, Deputy Chief Pearson is currently preparing for a RICO trial scheduled to begin in March, *United States v. Castro*, 2:15-cr-20200 (E.D. Mich.), and Trial Attorney McHenry has been assigned to a full-time detail at the United States Attorney's Office in the Eastern District of Virginia since December 2018. These commitments have limited their ability to participate in drafting responses to the February 1 motions. Trial Attorney McHenry's detail is due to conclude in mid-March.

6. In light of these challenges, counsel for the Government have communicated with defense counsel. Mr. Pomerantz indicated the Defendant has no objection to extending the Government's deadline within which to file a response to his motion to suppress, ECF No. 475, an additional 21 calendar days, and that he would so stipulate.

7. The Government anticipates being able to file timely responses to the remaining defense motions filed in the above-captioned matter, including Defendant Telusma's separate motion to dismiss. ECF No. 476.

//

//

//

8. This proposed extension does not require an extension of the time within which the case must be tried under the Speedy Trial Act, 18 U.S.C. § 3161.

DATED this 21st day of February, 2019.

Respectfully submitted,

Agreed:

DAVID L. JAFFE

Organized Crime and Gang Section

/ s / *Chad McHenry*

/s/ Crane Pomerantz

CHAD W. MCHENRY
Trial Attorney

CRANE POMERANTZ, ESQ.
Counsel for Defendant Telusma

ORDER


Upon stipulation of the parties and good cause appearing,

IT IS SO ORDERED.

The Government shall have until March 22, 2019

to file a response to the Defendant's motion to suppress, ECF No. 475.

Dated: February 22, 2019


Hon. Peggy A. Leen
United States Magistrate Judge
District of Nevada